

### REMARKS

The latest Office Action, dated November 21, 2003, considered claims 1-23, of which claims 1, 5, 12, 13, 14 and 21 are independent claims. Claims 1-21 and 23 were rejected<sup>1</sup> under 35 U.S.C. § 102(e) as being anticipated by Dougherty (U.S. Patent No. 5,848,352) and claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Dougherty<sup>2</sup>.

Dougherty, which is newly cited art, is directed to a system that is capable of working with existing television broadcast media to quickly and efficiently transmit and display graphical user interface data with the broadcast media. Dougherty is able to do this by utilizing compact definitions that describe the graphical images to be displayed, in place of bitmaps or other high bandwidth display components. (Col. 12, ll. 50-53). This technique provides many advantages over prior art systems. In particular, "[e]ven low bandwidth broadcast media can be used to carry complete graphical interactive information system applications for display and operation rapidly enough to allow a graphical interactive information system application integrated with the content of a conventional broadcast program or advertisement to be broadcast simultaneously with the program or advertisement." (Col. 3, ll. 27-34).

As described, the graphical interface data is transmitted within "graphical interactive information system applications" that include definitions, commands, scripts and other data that are used to produce the resulting user interfaces. (Col. 6, ll. 3-8). As further described, these 'applications' are compressed and encapsulated prior to being transmitted, thereby further reducing their size and bandwidth transmission requirements. (Col. 6, ll. 40-47). Accordingly, "[b]ecause of this graphical application compression and encapsulation, high bandwidth is not required to broadcast the application[s]." (Col. 6, ll. 45-47). In fact, the size reduction provided by Dougherty is significant enough that it even allows for the applications to be rebroadcast multiple times during a single program. (Col. 12, ll. 23-26).

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<sup>1</sup> The Office Action stated that Independent claim 21 was rejected, but no reasons or analysis were provided to support such a rejection. Accordingly, Applicant respectfully submits that the rejection of claim 21 be reconsidered and withdrawn, unless specific grounds for the rejection are provided. For at least this reason, the rejections to claims 22 and 23, which depend on claim 21, should also be withdrawn.

<sup>2</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Unlike the presently claimed invention, however, the Dougherty 'applications' are configured to include all of the data that is required to display the resulting graphical interface images, including the object definitions as well as the form data. (Col. 6, ll. 3-8; Col. 13, ll. 44-63; Col. 7, ll. 5-22). In fact, "[e]ach application may contain one or more forms." (Col. 13, ln. 59).

Accordingly, in Dougherty, the forms are not stored or received separately from the data to be displayed. Instead, they are all packaged into compact applications that are created using compacting protocols that reduce their overall size and thereby allow them to be transmitted over low bandwidth channels, as described above. Thereafter, once the applications are received, they are stored<sup>3</sup> and displayed. (Col. 14, ll. 7-14, 59-63; Col 24, ll. 33-36).

For at least the foregoing reasons, Dougherty neither anticipates nor makes obvious the claimed invention. In particular, with regard to independent claim 1, Dougherty fails to disclose, suggest or motivate a method for creating custom advertisements in which a template is stored at the client and wherein a low bandwidth channel is subsequently monitored for an advertisement summary corresponding to the template and wherein a custom advertisement is created by combining the advertisement summary with the template, as claimed. In particular, Dougherty transmits both forms and display data together, at the same time, within compact applications. Accordingly, in Dougherty, display data is not transmitted separately from or addressed to a separate template stored at a client receiver, as claimed in the present invention.

Furthermore, Dougherty clearly fails to teach that "the custom advertisement is too large to be transmitted over the low bandwidth channel in a timely manner during presentation of the program," as claimed. To the contrary, Dougherty actually teaches that "even low bandwidth broadcast media can be used to carry complete graphical interactive information system applications for display and operation rapidly enough... to be broadcast simultaneously with the program." Col. 3, ll. 27-33. In fact, the complete application is actually small enough that it can be rebroadcast multiple times during a single program. (Col. 12, ll. 23-26).

The other independent claims 5, 12, 13, 14 and 21, which all include similar limitations, are also distinguished from Dougherty for at least the same reasons. Notwithstanding, that the

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<sup>3</sup> The applications can be stored, including all of their data (e.g., form, objects, resources, etc.) for various reasons. For example, Dougherty mentions that storage allows the user to interact with the form. (Col. 14, ll. 8-12) It also allows the use to change channels and return to relevant application information stored from previous channels. (Col 24, ll. 2-8).

pending claims are distinguished from Dougherty, based on their entirety, rather than a single limitation, Applicant would like to point out that the aforementioned claim limitation, stating that "the custom advertisement is too large to be transmitted over the low bandwidth channel in a timely manner," was not even addressed by the Examiner in the latest Action, notwithstanding that it embodies amended claim language presented in the latest amendment that was discussed during the interview on August 8, 2003.

Likewise, a similar claim element recited in claim 21, stating that a third set of data representing the custom advertisement is greater than a product of the available data bandwidth and the specified duration of the program, was neither recognized nor addressed in the latest action.

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that all of the pending claims 1-23 are distinguished from Dougherty and are neither anticipated by nor made obvious by any combination of the art of record.

Although Applicant respectfully submits that the claims are distinguished from Dougherty, without amendment, claims 1 and 14 have nonetheless been amended to clarify the language recited in the preambles to help improve the clarity of the preambles. Accordingly, it should be appreciated that the amendments to claims 1 and 14 are not being made to narrow the scope or interpretation of the claims, but rather to improve their clarity.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

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Respectfully submitted,



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